

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**OCTOBER 1, 1999**

**IN RE:**

**PETITION OF TELE-SYS, INC. D/B/A ACCESS  
AMERICA FOR APPROVAL OF AN INTRALATA  
TOLL DIALING PARITY PLAN**

**DOCKET NO. 99-00346**

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**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY  
IMPLEMENTATION PLAN**

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This matter came before the Tennessee Regulatory Authority (the "Authority") on June 22, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Tele-SyS, Inc. d/b/a Access America ("Tele-SyS") for approval of its IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.<sup>1</sup> Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

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<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

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The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.<sup>2</sup> On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.<sup>3</sup>

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Tele-SyS is a telecommunications company operating pursuant to Authority Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Tele-SyS is required to file a plan with the Authority that provides for intraLATA toll dialing parity throughout the exchanges it serves in Tennessee.<sup>4</sup> This plan must

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<sup>2</sup> FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

<sup>3</sup> AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

<sup>4</sup> Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll

allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.<sup>5</sup>

Tele-SyS filed its intraLATA Toll Dialing Parity Implementation Plan on May 12, 1999, and filed an amendment on June 15, 1999. The amended Plan, containing Tele-SyS' Petition for Approval, is attached hereto as Exhibit A and is fully incorporated herein by this reference.

The Directors considered Tele-SyS' Plan at the June 22, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.<sup>6</sup> The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve Tele-SyS' Toll Dialing Parity Plan as amended, with the requirement that Tele-SyS comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

**IT IS THEREFORE ORDERED THAT:**

1. The amended Plan of Tele-SyS, Inc. d/b/a Access America for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;

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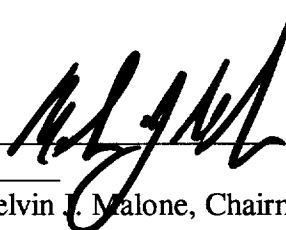
dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

<sup>5</sup> Pre-subscription allows the customer to place a call without dialing an access code.

<sup>6</sup> FCC Order 96-333 released August 8, 1996 sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999 extends to June 22, 1999, the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

2. Tele-SyS, Inc. d/b/a Access America shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.



Melvin J. Malone, Chairman

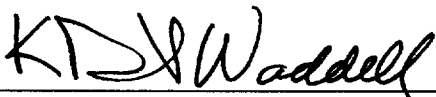


H. Lynn Greer, Jr., Director



Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary

A SERVICE OF TELE-SYS, INC.

REGULATOR

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OFFICE OF THE  
EXECUTIVE SECRETARY

5/5/99

Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Re: Tele-SyS, Inc. dba Access America IntraLATA Toll  
Dialing Parity Plan

Dear Mr. Waddell:

99-00346

As requested in Mr. Joe Werner's letter of April 29, 1999, enclosed is the Intralata Toll Dialing Parity Plan for Tele-SyS, Inc. dba Access America and 13 copies of the plan for your use in considering approval. Also enclosed is the \$25 filing fee. Since Tele-SyS, Inc. dba Access America is a reseller of BellSouth and Sprint services in Tennessee, most of the requirements are met by these underlying carriers and accrue automatically to customers of Access America. However, our plan addresses each requirement. It is our intent to be fully compliant in this matter. If there are any questions, you may contact me. I would appreciate notification when the plan is approved.

Sincerely,



J. F. Jamison  
President

# Access America

A SERVICE OF TELE-SYS, INC.

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OFFICE OF THE  
EXECUTIVE SECRETARY

6/11/99

Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

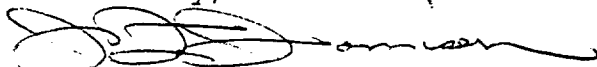
Re: Tele-SyS, Inc. dba Access America IntraLATA Toll  
Dialing Parity Plan - Amended

**Docket No. 9900346**

Dear Mr. Waddell:

As agreed in telephone discussion with Mr. Carsie Mundy, enclosed is the Amended Intralata Toll Dialing Parity Plan for Tele-SyS, Inc. dba Access America and 13 copies of the plan for your use in considering approval. It is our intent to be fully compliant in this matter. If there are any questions, you may contact me. I would appreciate notification when the plan is approved.

Sincerely,



J. F. Jamison  
President

REC'D TN  
REGULATORY AUTH.  
99 JUN 15 AM 10 50  
OFFICE OF THE  
EXECUTIVE SECRETARY

1. Proposed implementation date:

The following plans and procedures are presently in place and operative pending approval.

2. Toll Dialing Parity Exchanges:

All exchanges within the State of Tennessee served by BellSouth and within LATAs 468, 470, 472, 474 and all exchanges within the State of Tennessee served by Sprint in LATA 956.

3. Methodology

Tele-SyS, Inc. dba Access America as a reseller of BellSouth and Sprint services in Tennessee, has implemented a full 2 PIC policy. Customers may choose a Primary Interexchange Carrier for interlata calls and a second Primary Interexchange Carrier for intralata calls. The PIC need not be Tele-SyS, Inc. dba Access America. Customers have already been made aware that they may take these actions. The most recent notification was via bill insert on May 14, 1999. Existing and new Customers may request a list of carriers from whom to select.

If a customer wishes to change either their interlata or intralata PIC, they may notify Tele-SyS, Inc. dba Access America and identify their chosen PIC. If the customer selects Tele-SyS, Inc. dba Access America for either interlata or intralata PIC, a signed PIC authorization is obtained and maintained on file. There may be a service charge associated with the order. Service charges will be no more than those charged by BellSouth or Sprint to their customers.

Tele-SyS, Inc. dba Access America  
IntraLATA Toll Dialing Parity Plan  
138 Fairbanks Road, Oak Ridge, TN 37830  
Issued: June 11, 1999

Amended Page 2  
Effective: Upon Approval

4. PIC Not Automatically Assigned

It is not necessary for a customer to choose Tele-SyS, Inc. dba Access America as its PIC. Tele-SyS, Inc. requires a signed PIC authorization from the customer before any PIC is made to Tele-SyS, Inc. dba Access America. If upon notification, a customer fails to select a PIC, the existing PIC or NO PIC is left in place. If there is a request for new service and no PIC authorization is given, then the assumption NO PIC is made.

5. PIC Method

Tele-SyS, Inc. dba Access America has implemented a 2-PIC method so that customers may choose one interexchange carrier for interlata toll calls and the same or another for intralata toll calls. See Item 3 above.

6. Customer Notification Procedures

New customers are requested at the time of subscription to service to select either PIC Carrier(s) or choose to have no carrier [NO-PIC]. Tele-SyS, Inc. dba Access America makes no effort to recommend a carrier nor does it attempt to provide a list of all available carriers.

Existing customers are notified through bill inserts and may elect to have no carrier [NO-PIC] or select PIC Carrier(s). The most recent notification was via monthly bill insert on May 14, 1999. No change in PIC is made without a signed authorization from the customer. Thus, if a customer is notified and then fails to respond with a PIC indication, then the existing PIC status is maintained. That is, if the existing PIC is the existing LEC, then no change is made.



Tele-SyS, Inc. dba Access America  
IntraLATA Toll Dialing Parity Plan  
138 Fairbanks Road, Oak Ridge, TN 37830  
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Amended Page 3  
Effective: Upon Approval

7. Cost Recovery Plan

Tele-SyS, Inc. dba Access America is a reseller of BellSouth and Sprint services in Tennessee. The cost recovery amounts levied by these LECs are passed on to the customer. Tele-SyS, Inc. dba Access America is not implementing an additional cost recovery plan.

8. Associated LATA

Tele-SyS, Inc. dba Access America is a reseller of BellSouth and Sprint services in Tennessee. LATAs 468, 470, 472, 474 and 956.

9. PIC Change Charge Waiver

Since Tele-SyS, Inc. dba Access America resells BellSouth and Sprint services, only those waivers provided by those underlying carriers are passed along to customers. Tele-SyS, Inc. dba Access America does not offer additional waiver periods. Any PIC Change charges levied by these LECs are passed through to the customer. No additional charges are levied.

10. Anti Slamming Procedures

Tele-SyS, Inc. dba Access America utilizes the procedures set forth in TRA Ruling 1220 4-2-.56. Further, in the event another carrier slams customers of Tele-SyS, Inc. dba Access America, the same anti-slamming procedures and fines implemented by the underlying carriers, BellSouth and Sprint, apply and will be assessed against the slamming carrier.

11. Nondiscriminatory Access

Operator services, directory assistance and directory listings are supplied by Sprint, BellSouth and by Tele-SyS, Inc. via contract to Illinois Consolidated Telephone Company. Customers and other carriers are provided access on a nondiscriminatory basis.

Tele-SyS, Inc. dba Access America  
IntraLATA Toll Dialing Parity Plan  
138 Fairbanks Road, Oak Ridge, TN 37830 Amended Page 4  
Issued: June 11, 1999 Effective: Upon Approval

12. Compliance With All Tennessee Regulatory Authority  
and FCC Rules.

Tele-SyS, Inc. dba Access America will comply with all  
rules of the TRA and the FCC with regard to this and  
any other matters under the agencies' jurisdictions.